

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARKETING DEVELOPMENTS, LTD, :

Plaintiff, :

-against- :

GENESIS IMPORT AND EXPORT, INC. :
and WAYNE SWABY, :

Defendants. :
: :
: :
: :

NOT FOR PUBLICATION
ORDER

08-CV-3168 (CBA) (CLP)

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AMON, United States District Judge:

On March 23, 2009, this Court referred plaintiff's motion for default judgment and assessment of damages and fees to Magistrate Judge Cheryl Pollak for Report and Recommendation. This Court received Magistrate Judge Pollak's well-reasoned Report and Recommendation ("R&R") dated September 30, 2009, recommending that plaintiff's motion for default judgment be granted as to plaintiff's contract claims, and that plaintiff be awarded \$119,100.87 in compensatory damages for defendants' breach of contract, pre-judgment interest calculated at 9% per annum until the entry of judgment, and \$505.00 in costs for services of process and filing. The pre-judgment interest will begin accruing in December 2006 on the principal amount awarded of \$101,874.57, and April 1, 2007 for the principal amount awarded of \$17,226.30. The R&R further recommended that plaintiff's request for punitive damages be denied, and that post-judgment interest be awarded in accordance with 28 U.S.C. § 1961.

As no party has objected, the Court hereby adopts the Report and Recommendation of September 30, 2009 as the opinion of the Court. The Clerk of the Court is directed to enter judgment in accordance with this order and to close the case.

SO ORDERED.

Dated: Brooklyn, New York
December 18, 2009

s/Hon. Carol B. Amon

Carol Bagley Amon
United States District Judge